IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 22989 of 1999

Between:

M. Rajagopalachary, son of Narayana Chary,

Retired Deputy Executive Engineer,
R/o. House No. 1-2-110, Prakasam Road,

Tirupati, Chitoor District.

..... PETITIONER

AND

The Executive Officer, Tirumala Tirupati Devasthanams,

Tirupati, Chitoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring that the action on the part of the respondents is not fixing and making the payment of the increments from 1980 to 30-6-1999 despite of the Government orders in existence is nothing but arbitrary, illegal and violative of principles of natural justice and pass.

Counsel for the Petitioner: MR.Y.NARASIMHA REDDY

Counsel for the Respondent: MR A.K.JAYA PRAKASH RAO

The Court made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in not fixing and making the payment of increments from 1980 to 30.06.1999 despite existence of various governmental orders in this regard, as arbitrary and illegal, and pass consequential orders.

The facts are not in dispute. Therefore, there is no necessity going into all details. The only question that falls for consideration is whether the petitioner is entitled for the benefits of G.O.Ms.No.475, dated 20.09.1994 right from 1980 or from 20.09.1994. Admittedly, the petitioner did not pass the required departmental tests while holding the post of Deputy Executive Engineer in the respondent organization. Since the petitioner has not passed the required departmental tests, he was denied the sanction of annual increments right from the year 1980. However, in view of the issuance of G.O.Ms.No.475, dated 20.09.1994, the increments of the petitioner were released from 20.09.1994 as the said G.O. contemplates the persons who crossed 45 years of age need not pass the prescribed tests and they should be allowed to the annual grade increments. Since the G.O. issued on 20.09.1994, the respondent has extended the benefits of the said G.O. and released his annual grade increments right from 20.09.1994 onwards till the date of his retirement. Therefore, the contention of the petitioner that the respondent ought to have sanctioned all the increments due to him right from 1980 in view of the G.O.Ms.No.475, dated

20.09.1994, cannot be countenanced.

There is no whisper as to the applicability of G.O.Ms.No.475, dated 20.09.1994 with retrospective operation. On the other hand, the High Power Committee, on the demands made by the Joint Action Committee and workers of A.P. Secretariat Co-ordination Committee, recommended that the financial benefits like increments to persons who crossed 45 years of age, when they do not pass the prescribed tests, may be allowed. In view of the same, I am of the opinion that the claim of the petitioner that he is entitled for sanction of annual grade increments right from 1980 till the date of his retirement, is without any substance.

The G.O. was issued on 20.09.1994 and the respondent has rightly extended the benefits of the G.O. to the petitioner and granted annual grade increments regularly thereafter till attaining the age of superannuation. The petitioner is not entitled for grant of annual grade increments prior to the date of issuance of the G.O. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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C.V.RAMULU,J

Dated: 13.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Executive Officer,

Tirumala Tirupati Devastanam,

Tirupati, Chittoor District

2. Two CD copies

*Form-NIC-OGS/WP{**NK**}*